

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

REGINALD L. HOLLIMON,

Petitioner,

vs.

BRIAN WILLIAMS, et al.,

Respondents.

Case No. 2:15-cv-02243-GMN-VCF

ORDER

Petitioner has paid the filing fee. The court has reviewed the petition for a writ of habeas corpus pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. The petition submitted in this action is missing three pages. Fortunately, petitioner had submitted the same petition in the now-dismissed Hollimon v. Williams, Case No. 2:15-cv-02075-JCM-VCF. The court will file the petition from that action into this action. The court then will serve the petition upon respondents for a response.

Petitioner has filed a motion for appointment of counsel (#2). Whenever the court determines that the interests of justice so require, counsel may be appointed to any financially eligible person who is seeking habeas corpus relief. 18 U.S.C. § 3006A(a)(2)(B). “[T]he district court must evaluate the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.” Weygandt v. Look, 718 F.2d 952 (9th Cir. 1983). There is no constitutional right to counsel in federal habeas proceedings. McCleskey v. Zant, 499 U.S. 467, 495 (1991). The factors to consider are not

1 separate from the underlying claims, but are intrinsically enmeshed with them. Weygandt, 718 F.2d
2 at 954. The court finds that appointment of counsel is not warranted.

3 IT IS THEREFORE ORDERED that the clerk of the court shall take the petition for a writ
4 of habeas corpus at docket #1-1 of Hollimon v. Williams, Case No. 2:15-cv-02075-JCM-VCF and
5 file it in this action.

6 IT IS FURTHER ORDERED that the clerk shall add Adam Paul Laxalt, Attorney General
7 for the State of Nevada, as counsel for respondents.

8 IT IS FURTHER ORDERED that the clerk shall electronically serve upon respondents a
9 copy of the petition and this order. In addition, the clerk shall return to petitioner a copy of the
10 petition.

11 IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from the date
12 on which the petition was served to answer or otherwise respond to the petition. Respondents shall
13 raise all potential affirmative defenses in the initial responsive pleading, including untimeliness,
14 lack of exhaustion, and procedural default. Successive motions to dismiss will not be entertained.
15 If respondents file and serve an answer, then they shall comply with Rule 5 of the Rules Governing
16 Section 2254 Cases in the United States District Courts, and then petitioner shall have forty-five
17 (45) days from the date on which the answer is served to file a reply. If respondents file a motion,
18 then the briefing schedule of Local Rule LR 7-2 shall apply.

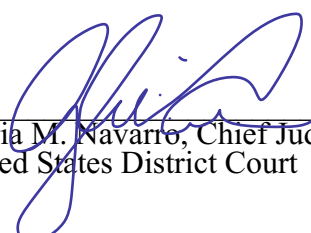
19 IT IS FURTHER ORDERED that any exhibits filed by the parties shall be filed with a
20 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments
21 that are filed further shall be identified by the number or numbers (or letter or letters) of the exhibits
22 in the attachment. The hard copy of any additional state court record exhibits shall be
23 forwarded—for this case—to the staff attorneys in Las Vegas.

24 IT IS FURTHER ORDERED that henceforth, petitioner shall serve upon respondents or, if
25 appearance has been entered by counsel, upon the attorney(s), a copy of every pleading, motion or
26 other document submitted for consideration by the court. Petitioner shall include with the original
27 paper submitted for filing a certificate stating the date that a true and correct copy of the document
28 was mailed to the respondents or counsel for the respondents. The court may disregard any paper

1 received by a district judge or magistrate judge that has not been filed with the clerk, and any paper
2 received by a district judge, magistrate judge, or the clerk that fails to include a certificate of service.

3 IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel (#2) is
4 **DENIED.**

5 DATED: April 18, 2016

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Gloria M. Navarro, Chief Judge
United States District Court